


PHASE ONE AREA OF THE PURCELLVILLE UGA (JLMA) **CPAM 2007-0004 and CPA07-03: Upper Loudoun Youth Football League**

Portion of Parcel 522-29-5928
 for use by Upper Loudoun Youth Football League.
 This does not represent a subdivision plat.

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Phase 1 Area CPAM 1999-0001


Town of Purcellville (Limits as of 1/1/08)


UGA (JLMA) Boundary

Patrick Henry College Proposed
 Amendment to Phasing Plan in process
 CPAM 2007-0002

Proposed Addition to Phase 1 Area
 CPAM 2007-0004

Map Number: 2007 - 208





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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 24th day of September 2007, by and among Upper Loudoun Youth Football League ("ULYFL"), the Town of Purcellville, Virginia ("Town") and the County of Loudoun ("County"), collectively referred to as the "Parties".

R-1 ULYFL proposes to construct fields and related facilities for youth sports on a portion of the property owned by the County adjacent to the Town (Subject Property"), and to operate the facility in conjunction with the County's Department of Parks, Recreation and Community Services.

R-2 ULYFL desires municipal water and sewer service from the Town for its planned sports facilities.

R-3 The Town desires to provide utility service to ULYFL for its sports facilities, subject to the application of the County, with the concurrence of ULYFL, to the annexation into the Town of the Subject Property where the ULYFL facilities are to be located.

R-4 The County and ULYFL desire to request the annexation of the Subject Property on which the sports facilities are to be located; provided that ULYFL submits a site plan to the County for the facilities, the site plan is referred to the Town for comment, and the site plan is approved by the County prior to annexation, and further provided that the Town agrees and acknowledges that ULYFL and the County will have a vested right to diligently pursue and complete the sports facilities as shown on the approved site plan.

R-5 The Parties have agreed to the terms of this Memorandum of Understanding to memorialize, define, and acknowledge the expectations and agreements of the Parties with respect to the matters contained herein.

AGREEMENTS

ULYFL, the Town and County, each pursuant to due and proper authority, agree to the following points, which shall govern the Parties' actions with respect to the matters contained herein, to the extent allowed by law:

1. The property that is the subject of these agreements (the Subject Property) is a portion of the parcel identified in the County assessment records as PIN 522-29-5928. The entire parcel is commonly referred to as the "Fields Farm." The agreement concerns only that portion of the Fields Farm on which

ULYFL proposes to construct its sports facilities, as shown and described in Exhibit 1.

2. The County will amend its pending out of phase annexation application to limit the annexation request to the Subject Property. Additionally, the County will request that this amended annexation application be forwarded to the Joint Policies Review Committee for review and the initiation of an amendment to the Purcellville Urban Growth Area Management Plan (PUGAMP).
3. ULYFL will submit a site plan to the County for the proposed sports facilities on the Subject Property. The site plan will be reviewed for conformance with the Loudoun County Zoning Ordinance, Land Subdivision and Development Ordinance and the PUGAMP. The County will send a copy of the site plan to the Town for its review and comment.
4. The Town and ULYFL (with the consent of the County) shall promptly enter into a written agreement containing the following commitments:
 - a. The Parties will negotiate a Water and Sewer Agreement. Following annexation, and after the payment of availability fees, the Town will provide public sewer and water to the Subject Property at uniform rates applicable to other users in the Town.
 - b. ULYFL will be responsible for extending lines to serve the Subject Property, subject to review and approval by the Town.
 - c. Upon completion, these improvements, except improvements that serve the Subject Property only, such as lateral lines and pump facilities, will be conveyed to the Town for maintenance.
5. If the County and Town approve the PUGAMP amendment for the Subject Property, the Town intends to annex the Subject Property, subject to the process established for consideration of annexation applications. The Town agrees that upon annexation of the Subject Property, the County and ULYFL will have a vested right under an approved site plan for the Subject Property to diligently pursue the completion and operation of the sports facilities shown thereon in conformance with the County zoning ordinance in effect at the time of the approval.
6. The Parties acknowledge that the agreements set forth in this document require certain legislative actions pursuant to notice and public hearing by the respective governing bodies of the Town and County. Nothing in this document is intended to, or can, affect the authority or discretion of the respective governing bodies in reviewing or approving any legislative action necessary to implement these understandings of the parties.

7. This Memorandum of Understanding shall in no way constitute or be construed as a commitment, intent or obligation of the Town to provide utilities to any portion of the Fields Farm property beyond that area described and defined as the Subject Property in ¶ 1.

This Memorandum of Understanding is entered into as of the 24th day of September, 2007. .

Upper Loudoun Youth Football League

By: John M. [Signature]

Town of Purcellville, Virginia

By: [Signature]

County of Loudoun, Virginia

By: [Signature]
KIRBY M. BOWERS, COUNTY ADMINISTRATOR

EXHIBIT 1
DESCRIPTION OF SUBJECT PROPERTY

Date: 7/18/2007

Beginning at a point in the line of the now or formerly Brookfield Autumn Hill, LLC land, said point being S 03°43'45" E 470.56' and S 19°42'05" E 330.62' from the now or formerly Chestnut Hills Lot 12A, Thence running with the now or formerly Brookfield Autumn Hill, LLC land S 19°42'05" E 532.03' to a point, S 04°59'35" E 1,036.39' to a point, said point being in the line of the now or formerly McKim Construction Company Land, Thence S 84°30'32" W 235.45' to a point, Thence S 31°15'31" W 189.95' to a point, said point marking the corner to the now or formerly Shea Enterprises, LLC land, Thence S 70°0'39" W 267.46' to a point in the Northerly Right of Way line of Route #7, Thence continuing with the Aforementioned Route # 7 the following:

N 32°53'56" W 51.38' to a point;

N 82°07'58" W 686.44' to a point;

N 81°36'10" W 140.78' to a point;

said point being situated at the intersection of the north right of way line of Harry Byrd Highway, State Route 7 and the north right of way line of Hillsboro Road, State Route 690.

Thence, along the north right of way line of said Hillsboro Road the following courses and distances:

N 28°35'12" W, 112.53 feet to a point;

N 38°46'12" W, 114.72 feet to a point;

N 54°11'16" W, 110.94 feet to a point;

Thence, along a curve to the left with a radius of 621.08 feet, a tangent length of 237.90 feet, a central angle of 41°55'03", the radius of which bears S 38°32'11" W, the long chord of which bears N 72°25'20" W for a distance of 444.32 feet; Thence along the arc of said curve for a distance of 454.39 feet to a point;

Thence, S 86°37'09" W, 224.51 feet to a point;

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Thence, along a curve to the right with a radius of 522.96 feet, a tangent length of 107.51 feet, a central angle of $23^{\circ}14'00''$, the radius of which bears $N\ 03^{\circ}22'51''\ W$, the long chord of which bears $N\ 81^{\circ}45'51''\ W$ for a distance of 210.61 feet; Thence along the arc of said curve for a distance of 212.06 feet to a point;

Thence leaving said north right of way line of Hillsboro Road $N\ 73^{\circ}04'52''\ E$, 239.85 feet to a point;

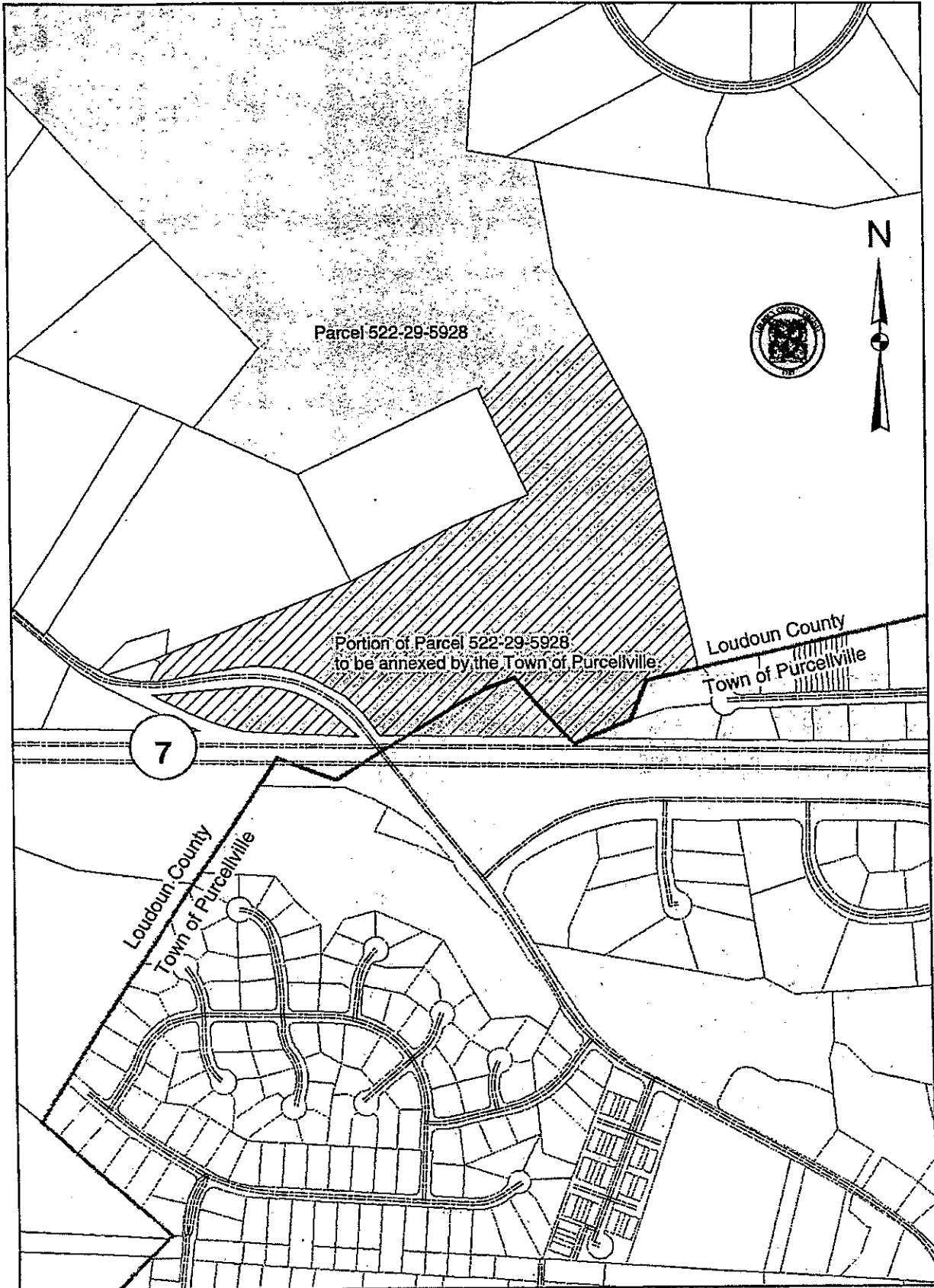
Thence, $N\ 73^{\circ}19'03''\ E$, 866.14 feet to a point;

Thence, $N\ 75^{\circ}03'39''\ E$, 794.11 feet to a point;

Thence, $N\ 16^{\circ}41'00''\ W$, 544.86 feet to a point;

Thence, $N\ 70^{\circ}17'55''\ E$, 598.99 feet to the point of beginning and containing 44.410 acres of land.

Proposed Purcellville Annexation



A. Phasing

The desire for orderly development and development at a pace that would not overwhelm the existing Town of Purcellville was expressed throughout the PUGAMP plan process. In an effort to provide guidance for future development in the UGA, and to assure that future development can be adequately served by utilities, the PUGAMP includes the following phasing guidelines to be implemented upon completion of the Town's Sewer and Water Master Plan.

Phasing Guidelines

1. A series of phasing policies for the Purcellville Urban Growth Area will be established following completion of the Sewer and Water Master Plan. Ultimate densities for the UGA will also be established once the Sewer and Water Master Plan is complete.
2. The future phasing policies will include a preferred development plan for the next 10 years which identifies preferred development areas based on the following objectives:
 - a. Encouraging the natural expansion of the Town in areas contiguous to the Town;
 - b. Phasing development to coincide with incremental improvements to the sewer and water system;
 - c. Providing for a transition from suburban densities within the UGA to rural densities outside the UGA.
3. The Town and the County will work jointly with the Loudoun County School Board and School Administration staff to re-evaluate school needs and preferred locations for new schools once the 10-year preferred development pattern is identified and ultimate densities are determined following completion of the Sewer and Water Master Plan.
4. Development in areas outside of the 10 year area may be considered by the Town and the County through a specific request of a landowner following the process outlined in policies 5 and 6, below.
5. Applications for out of phase development (development in the area outside the 10 year preferred development area) will be evaluated by the Joint UGA Policies Review Committee. The Joint UGA Committee will determine if an application to develop out of phase is to be forwarded to the Town and the County for review and processing. Applications for out of phase development will be

evaluated one time a year and accepted for review on March 1 or the first business day thereafter.

6. The Joint UGA Committee will evaluate each proposed out of phase development proposal based on the following criteria. At least one criteria must be met for the application to be forwarded to the Town and County for public hearings:

a. Creative Idea(s):

The application shall provide a novel idea or concept of land development that was not foreseen by the PUGAMP.

b. Oversight(s):

A property was overlooked or misinterpreted in the review and development of the PUGAMP.

c. Change in Surrounding Land Use:

The area surrounding the property in question has changed substantially since the review and adoption of the PUGAMP.

d. Goals:

The goals of the PUGAMP could be more effectively met or implemented if the application were to be approved.

B. Proffers

Proffers are voluntary commitments which a developer makes to the County or to the Town during the rezoning process to assist in improving the public infrastructure needed to serve new residents or users of the development. The basic premise of the proffer guidelines is that the private sector should share in the costs of capital improvements related to new growth. The proffer guidelines seek to fairly allocate the financial burdens of growth between the general public and those who will benefit directly from the improvements. The guidelines also provide a "level playing field" for the development community by assuring that proffers will be evaluated in a consistent manner.

Proffer Guidelines

(Note: For the purposes of determining which proffer policies apply, any bonus density granted to comply with the Affordable Dwelling Unit Ordinance should be excluded.)

CPAM 1999-0001
Purcellville Urban Growth Area Management
Plan/Amendment (Blue Ridge District)

Adopted July 21, 1999

**CPAM 1999-0001, Amendment to Purcellville Urban Growth Area Management
Plan to Include Phasing Guidelines**
BOS Adoption July 21, 1999
Town Council Adoption July 13, 1999

Purcellville Urban Area Management Plan, Chapter 7, Section A, Phasing, page 58

In addition to the policies set forth in Chapter 7, Section A "Phasing", page 58, the Board of Supervisors and Town of Purcellville adopted amendments as follows:

**TOWN OF PURCELLVILLE
URBAN GROWTH AREA**

**PHASING GUIDELINES FOR LAND
IN THE URBAN GROWTH AREA**

The purpose of this document is to provide guidance to the Town Council and County of Loudoun in determining the timeliness and appropriateness of the development and annexation of property located in the Urban Growth Area around the Town of Purcellville. These guidelines shall constitute an integral part of the Purcellville Urban Growth Area Management Plan. The following specific guidelines shall apply in the Urban Growth Area:

1. Only properties that are contiguous to the corporate limits of the Town are eligible to apply for annexation into the Town.
2. Until such time as these guidelines are amended by the joint action of the Town of Purcellville and the County of Loudoun, property, to be eligible for annexation, must be located within the ten year growth plan identified as Phase I of the Urban Growth Area, as that area is shown on the Phase I Urban Growth Area Map dated May, 1999, incorporated herein by reference.
3. Development proposed for property to be annexed within the Urban Growth Area shall conform with the adopted Purcellville Urban Growth Area Management Plan and shall reflect innovative land design and environmental sensitivity.
4. Development proposed for properties within Phase I shall conform with the uses and densities identified on the Ultimate Land Use Map contained in the Purcellville Urban Growth Area Management Plan. All development for properties in the Urban Growth Area that is not within Phase I shall conform with the uses and densities identified on the Interim Land Use Map contained in the Purcellville Urban Growth Area Management Plan.

5. Annexation and development of property in Phase I of the Urban Growth Area must be within the capability of the Town to provide an adequate water supply and water and sewer plant capacity pursuant to the Town's adopted Capital Improvement Program and pursuant to a plan of phasing incorporated within the annexation and zoning process that insures the Town's ability to provide water and sewer plant capacity in a timely and efficient manner consistent with the Town's Capital Improvement Program.
6. New development on annexed property shall utilize water and sewer service provided by the Town. The extension of such utilities shall be at no cost to the Town or County.
7. All applicants for annexation will be required to enter into a guaranteed purchase contract for water and sewer connections which will specify a minimum number of connections that an applicant must purchase annually. This guaranteed purchase contract shall be secured by the posting of a performance bond in an amount sufficient to provide a level of surety which guarantees that, in the event of failure to purchase the required number of connections in a year, the Town could draw such amount(s) as necessary to cover such shortfall. Applicants shall be required to purchase all water and sewer connections at the then prevailing rate for such connections. In addition to the minimum number of annual connections, each guaranteed purchase contract shall specify the maximum number of water and sewer connections which may be purchased annually by the applicant. Such number shall be based upon forty percent of the approved lots for such development.
8. Any landowner of property contiguous to the Town, but outside of Phase I, as shown on the referenced Phase I map, may request an amendment to these guidelines and the Purcellville Urban Growth Area Management Plan to allow for the out of phase development of such property in accord with the policies set forth in Chapter 7, Section A of the Purcellville Urban Growth Area Management Plan.

PHASE ONE AREA OF THE PURCELLVILLE UGA

